

27



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,512	06/15/2001	Hwee Hwa Pang	P21104	5659
7055	7590	09/13/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			GELAGAY, SHEWAYE	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/856,512	Applicant(s) PANG ET AL.	
	Examiner Shewaye Gelagay	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on May 16, 2005. Claims 1-2, 4, 16-19 and 29-33 have been amended. Claims 1-33 are pending.

Specification

2. In view of the amendment filed May 16, 2005, the Examiner withdraws the objection to the specification.

Claim Rejections - 35 USC § 112

3. In view of the amendment filed May 16, 2005, the Examiner withdraws the rejection of claims 4, 16-18 under 35 U.S.C. 112.

Claim Rejections - 35 USC § 101

4. In view of the amendment filed May 16, 2005, the Examiner withdraws the rejection of claims 1, 10-11, 13-14 and 16-18 under 35 U.S.C. 101.

Response to Arguments

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. In response to the arguments concerning the previously rejected claims, the following comments are made:

The Applicant argues both Thomas (U.S. Patent 4,654,792) and Rabne (U.S. Patent 6,006,332) are not concerned with customization of digital material to prevent

Art Unit: 2133

counterfeiting. The Examiner disagrees. Rabne teaches a system of controlling access to digitized data and protection of intellectual property distributed in electronic format through distributed system. (Col. 1, lines 8-12). Thomas also teaches a system that is used to control unauthorized duplication of digital material (Col. 1, lines 14-22)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5, 8-24 and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. United States Letter Patent Number 5,745,569 in view of Downs et al. United States Letter Patent Number 6,226,618 in further view of Samson United States Letter Patent Number 5,287,408.

Art Unit: 2133

As per claim 1:

Moskowitz et al. teach a representation of digital material stored on a computer readable medium, the digital material comprising program code and data (Col. 4, lines 26-31; "code resources" which may be stored separately from the application ... data to be operated on by the executable code) and the representation comprising a combination of the code, data and an execution state existing at a predetermined execution point when the program code is run, (Col. 8, lines 4-19; during execution time... "memory scheduler" can be called periodically, or at random ... the memory scheduler randomly relocates itself when it is finished ... but return to the correct calling frame) *(the office has interpreted the "execution state" as "memory scheduler". The interpretation has been given based on the definition given for "execution state" on the specification)* customization information being provided during running of the program code prior to the execution point being reached so that said representation is customized by said customization information. (Col. 4, lines 57-59; hiding necessary parts or code resources in digitized sample resources using a "digital watermarking" process.)

Moskowitz et al. do not explicitly disclose customization information for said representation being provided during running of the program code.

Downs et al. in analogous art, however, disclose a licensing authorization being provided before the program code reaches execution point. (Col. 7, lines 14-16; provides licensing authorization by enabling end user to unlock content after verification of a successful completion of a licensing transaction) Downs et al. further disclose the

Art Unit: 2133

end user player application uses the symmetric keys from the license to decrypt content, metadata and watermarking instructions. The watermarking instructions are then affixed into the content and the content is scrambled and stored in the end-user device. (Col. 28, lines 9-15)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Moskowitz et al. to include customization information for said representation being provided during running of the program code. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Downs et al., (Col. 1; lines 54-56) in order to provide a system for secure delivery and rights management of digital materials. This way, the system is used for tracking usage of digital content on user devices by performing authentication of the licensing information before allowing usage by the end user.

Both references do not explicitly disclose the customization information is embedded within the execution state of the representation.

Samson in analogous art, however, discloses the customization information is embedded within the execution state of the representation. (Col. 3, lines 22-27; Col. 6, lines 36-39 and Col. 7, lines 14-16)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Moskowitz et al. and Downs et al. to include customization information is embedded within the execution state of the representation. This modification would have been obvious because a

Art Unit: 2133

person having ordinary skill in the art would have been motivated to do so, as suggested by Samson (Col. 2; lines 54-55) in order to provide a system for safeguarding digital material from unauthorized copying.

As per claim 2:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the information comprises information for access control. (Col. 7, lines 1-6 license authorization ... control and enforcement of content usage)

As per claim 3:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the customization information includes information relating to at least one of:

information identifying the material (Col. 7, lines 56-57; identify the origin of authorized or unauthorized copies of content)

information identifying an intended user of the material; (Col. 7, line 63; identify the content purchaser)

information identifying an intended machine on which the material is subsequently to be run; (Col. 7, lines 63-64; identify the end-user device)

information specifying the number of times the digital material may be run; (Col. 7, lines 44-45; defines the allowable number of secondary copies and play backs)

Art Unit: 2133

information configuring the digital material. (Col. 7, lines 59-61; identify the content proprietor, specify copyright information, define geographic distribution areas and other pertinent information)

As per claim 4:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the information for access control includes a watermark. (Col. 7, lines 56-57; digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content)

As per claim 5:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the information identifying an intended user of the material includes user authentication information. (Col. 7, lines 3-4; content is unlocked only by authorized end-user)

As per claim 8:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose a representation wherein the information configuring the digital material comprises information specifying program code and/or data and/or execution state to be selected or discarded prior to the execution point. (Col. 5, lines 41-47; when code and data resources are compiled and assembled into a precursor of an executable program the next step is to use a utility application for final assembly of the executable application ... The utility will choose one

Art Unit: 2133

or several essential code resources and encode them into one or several data resources)

As per claim 9:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein said digital material includes video data. (Col. 6, line 47)

As per claim 10:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the digital material includes a program to play the video data. (Col. 6, lines 39-41; software needed for the secure delivery and rights management of digital content and digital content-related to an end-user)

As per claim 11:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the data included in the representation comprises at least one video recording specified by said customization information. (Col. 7, lines 14-16; licensing authorization by enabling intermediate or end users to unlock content after verification of a successful completion of licensing transaction)

As per claim 12:

Art Unit: 2133

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein said digital material includes audio data. (Col. 6, line 47)

As per claim 13:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the digital material includes a program to play the audio data. (Col. 6, lines 39-41; software needed for the secure delivery and rights management of digital content and digital content-related to an end-user)

As per claim 14:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the data included in the representation comprises at least one video recording specified by said customization information. (Col. 7, lines 14-16; licensing authorization by enabling intermediate or end users to unlock content after verification of a successful completion of licensing transaction)

As per claim 15:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a representation wherein the representation is encrypted. (Col. 7, lines 16-17 and Col. 28, line 9)

As per claim 16:

Art Unit: 2133

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose software, the running program being suspended when execution point is reached, the software arranged to use the representation as input for resuming the running of the program code from the execution point. (Col. 8, lines 4-19; during execution time, this special code resource, called a memory scheduler can be called periodically, or at random or pseudo random intervals... the scheduler randomly relocates itself when it is finished ... but return to the correct calling frame)

As per claim 17:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose a representation of software arranged to use the representation with the running program suspended when the execution point is reached, as input for resuming the running of the program code from the execution point, the representation of software comprising program code, data (Col. 8, lines 4-6; during execution time, this special code resource, called a memory scheduler can be called periodically, or at random or pseudo random intervals) (Col. 4, lines 26-31; "code resources" which may be stored separately from the application ... data to be operated on by the executable code) and an execution state existing at a chosen execution point in running of the software, (Col. 8, lines 11-16; the scheduler randomly relocates itself when it is finished ... but return to the correct calling frame)

In addition, Downs et al. further disclose decryption information for decrypting the representation being provided during running of the software prior to the chosen

Art Unit: 2133

execution point being reached. (Col. 7, lines 31-32; only users who have decryption keys can unlock the encrypted content)

The rationale for combining the rejections is the same as claim 1.

As per claim 18:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose a plurality of representations, each representation but one being arranged to resume running of another of the representations, which had been suspended. (Col. 6, lines 18-21; the application must also contain a data resource which specifies in which data resource a particular code is encoded. This data resource is created and added at assembly time by the assembly utility.)

As per claim 19:

Moskowitz et al. teach a method of processing digital material, the material comprising program code and data, the method comprising:

running the program code until a predetermined execution point is reached, an execution state existing at the execution point; (Col. 8, lines 3-7; during execution time, the special resource code called a "memory scheduler can be called periodically, or at random or pseudo random intervals, at which time it intentionally shuffles the other code resources randomly in memory) and

forming a combined representation of the execution state, data and program code at that execution point (Col. 4, lines 26-31; "code resources" which may be stored separately from the application ... data to be operated on by the executable code) , the

Art Unit: 2133

data, code and execution state being restorable from said representation so that execution of the material may subsequently be resumed from the execution point. (Col. 8, lines 11-16; the memory scheduler randomly relocates itself when it is finished ... but return to the correct calling frame)

Moskowitz et al. do not explicitly disclose a method forming a combined representation of the execution state, data and program code.

Downs et al. in analogous art, however, disclose a licensing authorization forming a combined representation of the execution state, data and program code. (Col. 7, lines 14-16; provides licensing authorization by enabling end user to unlock content after verification of a successful completion of a licensing transaction) Downs et al. further disclose the end user player application uses the symmetric keys from the license to decrypt content, metadata and watermarking instructions. The watermarking instructions are then affixed into the content and the content is scrambled and stored in the end-user device. (Col. 28, lines 9-15)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Moskowitz et al. to include customization information being provided during running of the program code. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Downs et al., (Col. 1; lines 54-56) in order to provide a system for secure delivery and rights management of digital materials. This way, the system is used for tracking usage of digital content on user

Art Unit: 2133

devices by performing authentication of the licensing information before allowing usage by the end user.

Both references do not explicitly disclose the customization information is embedded within the execution state of the representation.

Samson in analogous art, however, discloses the customization information is embedded within the execution state of the representation. (Col. 3, lines 22-27; Col. 6, lines 36-39 and Col. 7, lines 14-16)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Moskowitz et al. and Downs et al. to include customization information is embedded within the execution state of the representation. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Samson (Col. 2; lines 54-55) in order to provide a system for safeguarding digital material from unauthorized copying.

As per claim 20:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose a method wherein, prior to the execution point, customization information is provided whereby the representation is customized by the information. (Col. 4, lines 57-59; hiding necessary parts or code resources in digitized sample resources using a "digital watermarking" process) (Col. 6, lines 44-48; either the user must have the extracted watermark, or the application

Art Unit: 2133

cannot be used, and hence the user can not gain full access to the presentation of the information in the watermark bearing data)

As per claim 21:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method wherein the information for use control. (Col. 7, lines 1-6 license authorization ... control and enforcement of content usage)

As per claim 22:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method wherein the customization information includes information relating to at least one of:

information identifying the material; (Col. 7, lines 56-57; identify the origin of authorized or unauthorized copies of content)

information identifying an intended user of the material; (Col. 7, line 63; identify the content purchaser)

information identifying an intended machine on which the material is subsequently to be run; (Col. 7, lines 63-64; identify the end-user device)

information specifying the number of times the digital material may be run; (Col. 7, lines 44-45; defines the allowable number of secondary copies and play backs)

information configuring the digital material. (Col. 7, lines 59-61; identify the content proprietor, specify copyright information, define geographic distribution areas and other pertinent information)

Art Unit: 2133

As per claim 23:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method wherein the information identifying that material includes a watermark. (Col. 7, lines 56-57; digital watermarking also provides the means to identify the origin of authorized or unauthorized copies of content)

As per claim 24:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method wherein the information identifying an intended user of the material includes user authentication information. (Col. 7, lines 3-4; content is unlocked only by authorized end-user)

As per claim 27:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose a method wherein the information configuring the digital material comprises information specifying program code and/or data and/or execution state to be selected or discarded prior to the representation being formed. (Col. 5, lines 41-47; when code and data resources are compiled and assembled into a precursor of an executable program the next step is to use a utility application for final assembly of the executable application... The utility will choose one or several essential code resources and encode them into one or several data resources)

As per claim 28:

Art Unit: 2133

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method further comprising encrypting the representation. (Col. 7, lines 16-17 and Col. 28, line 9)

As per claim 29:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method further comprising storing the representation. (Col. 9, lines 48-50)

As per claim 30:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose a method further comprising transferring the representation to a remote computing device. (Col. 7, lines 27-28)

As per claim 31:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose further comprising restoring the data, code, and execution state from said representation and resuming execution of the program code from the execution point. (Col. 8, lines 11-16; the scheduler randomly relocates itself when it is finished ... but return to the correct calling frame)

As per claim 32:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Downs et al. further disclose comprising decrypting the

Art Unit: 2133

encrypted representation prior to the restoring step. (Col. 7, lines 31-32; only users who have decryption keys can unlock the encrypted content)

As per claim 33:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. In addition, Moskowitz et al. further disclose the step of generating plurality of representations, each representation but one being arranged to resume execution of the program code from the execution point of another representations. (Col. 6, lines 18-21; the application must also contain a data resource which specifies in which data resource a particular code is encoded. This data resource is created and added at assembly time by the assembly utility.)

7. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. United States Letter Patent Number 5,745,569 in view of Downs et al. United States Letter Patent Number 6,226,618 and in view of Samson United States Letter Patent Number 5,287,408 and further in view of Rabne et al. United States Letter Patent Number 6,006,332.

As per claim 6:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. Neither of the references, however, explicitly teach the authentication information includes a cryptographic token.

Rabne et al. in analogous art, however, disclose the authentication information includes a cryptographic token. (Col. 22, lines 30-31; cryptographic tokens can also be used to allow a user access to the rights management system)

Art Unit: 2133

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Moskowitz et al., Downs et al. and Samson to include the authentication information includes a cryptographic token. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Rabne et al. (Col. 22, lines 37-38) in order to provide a secure environment for intellectual property management. This way, the digital material is protected against unauthorized users.

As per claim 25:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. Neither of the references, however, explicitly teach the authentication information includes a cryptographic token.

Rabne et al. in analogous art, however, disclose the authentication information includes a cryptographic token. (Col. 22, lines 30-31; cryptographic tokens can also be used to allow a user access to the rights management system)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Moskowitz et al., Downs et al. and Samson to include the authentication information includes a cryptographic token. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Rabne et al. (Col. 22, lines 37-38) in order to provide a secure environment for

Art Unit: 2133

intellectual property management. This way, the digital material is protected against unauthorized users.

8. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. United States Letter Patent Number 5,745,569 in view of Downs et al. United States Letter Patent Number 6,226,618 and in view of Samson United States Letter Patent Number 5,287,408 and further in view of Thomas United States Letter Patent Number 4,654,792.

As per claim 7:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. Neither of the references, however, teach explicitly a representation wherein the information identifying an intended machine on which the material is subsequently to be run comprises a serial number of the machine.

Thomas in analogous art, however, discloses using the serial number of a device to identify a machine. (Col. 2, lines 31-32; provide each program with a particular serial number identifying the customer's computer)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Moskowitz et al., Downs et al. and Samson to include the information identifying an intended machine on which the material is subsequently to be run comprises a serial number of the machine. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Thomas (Col. 2; line 21) in

Art Unit: 2133

order to have achieve a reliable security. This way, using the serial number will give a unique protection against running the digital material in another machine.

As per claim 26:

Moskowitz et al., Downs et al. and Samson teach all the subject matter as discussed above. Neither of the references, however, teach explicitly a method wherein the information identifying an intended machine on which the material is subsequently to be run comprises a serial number of the machine.

Thomas in analogous art, however, discloses using the serial number of a device to identify a machine. (Col. 2, lines 31-32; provide each program with a particular serial number identifying the customer's computer)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Moskowitz et al., Downs et al. and Samson to include the information identifying an intended machine on which the material is subsequently to be run comprises a serial number of the machine. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by Thomas (Col. 2; line 21) in order to have achieve a reliable security. This way, using the serial number will give a unique protection against running the digital material in another machine.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2133

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shewaye Gelagay
08/19/05

SB


ALBERT DECARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100